

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 2:00CR2-1

ARTHUR WOODROW PRITT, JR.,

Defendant.

**ORDER/OPINION**

This matter is before the undersigned pursuant to a Petition for Warrant or Summons for Offender Under Supervision filed in this case on September 21, 2005, alleging Defendant:

- 1) Violated Mandatory Condition No. 1 that he not commit another federal, state or local crime or illegally possess a controlled substance;
- 2) Violated Standard Condition No. 7 that he refrain from excessive use of alcohol and not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician;
- 3) Violated Mandatory Condition No. 1 that he not commit another federal, state or local crime or illegally possess a controlled substance; and
- 4) Violated Standard Condition No. 7 that he refrain from excessive use of alcohol and not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

The grounds for the above alleged violations are as follows: On August 22, 2005, the defendant submitted a urine specimen which tested positive for marijuana and cocaine and on August 30, 2005, the defendant submitted a urine specimen which tested positive for morphine,

hydrocodone and hydromorphone.

The Probation Officer also noted Defendant had tested positive for controlled substance on four occasions between April 5, 2005 and August 30, 2005. Pursuant to 18 U.S.C. § 3583(g)(4), mandatory revocation is required for defendants who test positive for illegal controlled substances more than three times over the course of one year.

Prior to the scheduled Preliminary Hearing, Defendant waived the hearing in writing, thus conceding probable cause existed to forward this revocation matter to United States District Judge Robert E. Maxwell for hearing and disposition.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before the Honorable Robert E. Maxwell, United States District Judge for the Northern District of West Virginia on Violations 1 through 4 of the Petition for Warrant or Summons for Offender Under Supervision dated September 21, 2005.

It is further **ORDERED** that Defendant be continued in the custody of the United States Marshall pending further proceedings in this matter.

The clerk of the court is directed to send a copy of this order to counsel of record.

DATED: October 13, 2005

/s *John S. Kaul*

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE